

REMARKS

CLAIM STATUS

Claims 1-20 were pending in this application. Claims 21-82 have been previously canceled. Claims 83-84 have been added. Thus, claims 1-20 and 83-84 are now pending in this application.

ALLOWABLE SUBJECT MATTER

The undersigned notes with appreciation the Examiner's identification of claims 1-15 as allowed. The Examiner also identified claims 17 and 18 as objected to but allowable if rewritten in independent form. New claims 83-84 have been added to include the limitations of each of claims 17 and 18, respectively, rewritten in independent form. Thus, it is believed that this application is now in condition for allowance.

REJECTIONS

35 U.S.C. § 102

The Examiner has rejected claims 16, 19, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Pat. No. 2,336,454 to Boren (hereinafter "Boren"). Applicants respectfully traverse the Examiner's rejection of independent claim 16.

The Examiner's factual analysis is flawed. The Official Action mailed February 25, 2009 fails to meet the standard for establishing *prima facie* anticipation of claim 16 because Boren does not disclose or show "a deck panel coupled to the frame, the deck panel including a corner portion adjacent one of the head end and the foot end of the frame," as recited in claim 16. The Examiner has not identified, nor does Boren disclose "[a] deck panel coupled to the frame," as recited in claim 16. The 35 U.S.C. § 102(b) rejection of claim 16 should be withdrawn for at least this reason. Dependent claims 17-20 are also allowable on at least this basis.

In addition, The Official Office Action mailed February 25, 2009 fails to meet the standard for establishing *prima facie* anticipation of claim 16 because Boren fails to disclose or show "[t]he siderail and the deck panel defining a third gap therebetween," as recited in claim 16. As discussed above, the Examiner has not identified nor does Boren disclose "[a] deck panel" as recited in claim 16. Boren discloses in Figs. 1 and 3 a "lee rail" (36) inserted in sockets (20) that are formed in leg supporting brackets (21). Each side rail (25) of bed frame spring structure (24) is aligned with the sockets (20) as shown in Fig. 3. Lee rail (36), when

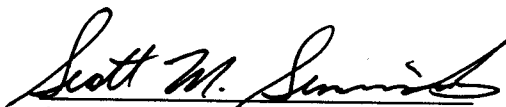
coupled to leg supporting brackets (21), is arranged to lie directly above side rail (25) precluding any gap from being defined between side rail (25) and lee rail (36). There is no gap between lee rail (36) and side rail (25) of bed frame spring structure (24). Thus, Boren fails to teach "[t]he siderail and the deck panel defining a third gap therebetween." The 35 U.S.C. § 102(b) rejection of claim 16 should be withdrawn for at least this reason. Dependent claim s17-20 are also allowable on at least this basis.

CONCLUSION

In view of the forgoing, it is submitted that this application is in condition for allowance. Allowance is respectfully requested. If the Examiner believes that a telephonic interview would expedite the allowance of this application, he is requested to contact the undersigned for prompt resolution of any outstanding issues.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time sufficient to effect a timely response and that shortages in fees, if any, be charged, or any overpayment in fees credited, to the Account of Barnes & Thornburg, Deposit Account No. 10-0435 with reference to file 7175-202421.

Respectfully submitted,



Scott M. Simmonds
Registration No. 55620
Attorney for Applicants

Indianapolis, Indiana
(317) 231-7403
scott.simmonds@btlaw.com